

Before The
Federal Communications Commission
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of:

Amendment of Section 73.606(b),
Table of Allotments,
TV Broadcast Stations.
(Richmond, Virginia)

MM Docket No. 00-_____
RM-_____

To: Chief, Mass Media Bureau

PETITION FOR RULE MAKING

Television Capital Corporation of Richmond ("TC") hereby petitions for rulemaking to amend the Table of Allotments for NTSC TV Broadcast Stations to substitute Channel 52 for Channel 63 at Richmond, Virginia. TC submits this Petition in response to the Mass Media Bureau's Public Notice *Mass Media Bureau Announces Window Filing Opportunity for Certain Pending Applications and Allotment Petitions for New Analog TV Stations*, DA 99-2605 (Released November 22, 1999) (hereafter "*Public Notice*"). In support of this Petition, TC submits the following:

1. TC filed an application for a construction permit for a new TV broadcast station on Channel 63 at Richmond, Virginia (File No. BPCT-960920WI). United Television, Inc. ("UT") filed a mutually exclusive application for the same channel (File No. BPCT-960920IT). TC and UT have executed a Settlement Agreement and filed a Joint Request for Approval of Settlement Agreement, requesting the grant of TC's application and the dismissal with prejudice of UT's application. TC is authorized to represent to the FCC that UT supports the filing of this Petition for Rule Making and the proposed amendment to the NTSC TV Table of Allotments.

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2. The *Public Notice* opened “a window filing opportunity to allow persons with certain pending requests for new analog (NTSC) television stations to modify their requests, if possible, to eliminate technical conflicts with digital television (DTV) stations and to move from channels 60 through 69.” *Public Notice*, p. 1. More specifically, the *Public Notice* opened a window for the filing of “petitions for rule making seeking a new channel below channel 60 for those applicants with pending applications for new full-service NTSC television stations on channels 60-69.” *Id.* Both TC and UT come within this eligibility category because they filed applications for new full-service NTSC television stations on Channel 63 at Richmond, Virginia.

3. The appended Engineering Statement provides documentation to support this request to substitute Channel 52 for Channel 63 at Richmond, Virginia. *See* Attachment I. Upon the amendment of the TV Table of Allotments, TC will amend the technical portion of its application pending before the Commission to specify operation on the substitute channel.

4. The public interest is obviously served by grant of this petition, because it gives effect to the Commission’s *Public Notice*, it facilitates the clearing of the Channel 60-69 band for new wireless communications uses, and it expedites the inauguration of a new television service at Richmond, Virginia, on Channel 52.

WHEREFORE, TC requests that the Commission adopt and release a Notice of Proposed Rule Making, proposing to amend the NTSC TV Table of Allotments, and thereafter adopt and release a Report and Order amending the NTSC TV Table of Allotments as follows:

Community	Present	Proposed
Richmond, VA	6+, 12-, *23, 35+, *57-, 63	6+, 12-, *23, 35+, 52, *57-

Respectfully submitted,

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By: Vincent A. Pepper
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Dated: July 17, 2000

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Richmond, VA

E N G I N E E R I N G S T A T E M E N T

This engineering statement is written in support of a Petition for Rulemaking filed by Television Capital Corporation of Richmond seeking to modify the table of television allotments and substituting channel 52 for channel 63 at Richmond, Virginia.

On November 22, 1999, a Public Notice released by the Mass Media Bureau of the FCC announced a filing window for applicants with pending applications in channels 60 to 69 to modify those applications to specify a new channel. This was done to accomodate the requirements of the Report and Order found in ET Docket 97-157, released January 6, 1998 which recaptures these channels for use by other services.

The instant rule making petition seeks to reallocate channel 52 presently assigned to Courtland, Virginia to Richmond, Virginia in place of channel 63. Under the Commission's policy of non-applied for channels, channel 52 may be reassigned to Richmond.

NTSC channel 52 may be substituted and allocated to Richmond, Virginia at coordinates North Latitude 37° 30' 22", West Longitude 77° 42' 03". This site complies with the requirements of 47 C.F.R. Section §73.685(a) (city of license), 47 C.F.R. Section §73.623(c) (channel separation criteria for DTV assignments), and 47 C.F.R. Section §73.610 (NTSC channel separation criteria).

UHF channel 52 operating at the instant proposed coordinates would employ a non directional antenna at 457 meters AMSL and have a radiated power of 5000 kW.

Richmond, VA

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ENGINEERING STATEMENT (Cont'd)

In support, the following exhibits are submitted:

Figure 1 - a separation study from the instant proposed site to other NTSC and DTV assignments with which there could be a possible conflict. It should be noted that under the instant proposal, channel 52 would cause an N+5 situation with WCVW, Richmond, VA operating on NTSC channel 57- at 8.8 kilometers from the instant proposed reference site. The intermodulation combination of analog channel 52 and 57 may possibly affect the reception of analog channel 46, 47, 48, 61, 62 and 63. A review of the television database indicates no authorized full service analog television stations on these channels within 161 kilometers (100 miles) of the instant proposed reference site.

There are, however, five LPTV or translators operating on channels 46 through 48 within 161 kilometers. They are:

1. W48AC, No Class A Protection Sought
2. W47CE, Hampton, VA, Protection Sought, Under Study
3. W48BI, Richmond, VA, Protection Sought and Denied
4. W48BL, Keyesville, VA, No Protection Sought
5. W46AE, S. Rockingham, VA, No Protection Sought

Because Class A protection was not sought, the above listed channels are not protected under the instant application. Since the status of W47CE is not yet known, protection cannot be ascertained. However, should W47CE ultimately be afforded Class A protection, a engineering study of the instant proposed 64 dBu (f50,50) contour and the W47CE 74 dBu (f50,50) contour indicates there will be no overlap.

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E N G I N E E R I N G S T A T E M E N T (Cont'd)

The LPTV's operating on television channel 52 with which this proposal could be in conflict are not entitled to Class A protection and are not included in the study per 47 U.S.C. Section §336(f)(6)(A).

Figure 2-A - a study showing the present area and interference to WTVD-DT, Durham, North Carolina excluding the instant proposed facility. Figure 2-B is a study showing the inclusion of the instant proposed facility in the makeup of potential interferors to WTVD-DT. As demonstrated in these exhibits, the instant proposed facility will cause new interference to 12.1 square kilometers and 137 people within the predicted service area of WTVD-DT. This represents 0.0287% in area and 0.006% in population - well below the allowable of 0.5%

As demonstrated in these exhibits, the instant proposed facility will not cause any prohibited interference to a DTV or NTSC facility and is therefore in full compliance with all FCC rules.

On the basis of the aforesated information and exhibits, it is proposed to amend 47 C.F.R. Section §73.606(b) to read as follows:

<u>City</u>	<u>Present</u>	<u>Proposed</u>
Richmond, Virginia	6, 12, *23, 35+ *57, 63	6, 12, *23, 35+ 52, *57

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Figure 1

TV CHANNEL SPACING STUDY

Job title: RICHMOND, VA

Proposed latitude: N 37 30 22.00

Proposed longitude: W 77 42 3.00

Proposed zone: 1

A * next to a distance result indicates the proposed location is inside the exclusion range for a DTV adjacent channel

Proposed channel: 52

CH	Call	Record	City	ST	Z	Status	Bear.	Dist.	Reqd. Dist.	Result
52	WMAR-TV	1570	BALTIMORE	MD	1	CP	23.9	222.8	217.3	5.5
52	WMAR-TV	1599	BALTIMORE	MD	0	CPOFF	23.9	222.7	217.3	5.4
52o	ALLOTM	1771	COURTLAND	VA	2		147.1	104.1	248.6	-144.5 ¹
54	WWBT	1784	RICHMOND	VA	1	APP	89.9	17.5	80.5	-63.0 ²
57-	WCVW	1793	RICHMOND	VA	1	LIC	85.1	8.8	31.4	-22.6 ³
44	WCVW	1804	RICHMOND	VA	0		85.1	8.8	80.5	-71.7 ²
54	WWBT	1805	RICHMOND	VA	0		89.8	17.5	80.5	-63.0 ²
52	WTVD-TV	2009	DURHAM	NC	2	LIC	200.2	217.1	217.3	-0.2 ⁴
52	WTVD-TV	2010	DURHAM	NC	2	CP MOD	200.2	217.1	217.3	-0.2 ⁴
52	WTVD-TV	2050	DURHAM	NC	0	CPOFF	200.2	217.1	217.3	-0.2 ⁴
52+	ALLOTM	2128	CUMBERLAND	MD	1		339.2	255.4	248.6	6.8

1. As an unapplied for channel, this channel is deleted from the Table of Allotments.
2. Protection is not afforded to DTV channels N+4 and N-8.
3. Waiver of FCC N+7 channel intermodulation separation is requested herein. The FCC's DTV proceedings brought forth that these interference potentials are no longer seriously considered and have been ignored. In the instant situation, if taken seriously, mathmatically, channel 52 and 57 could have an intermodulation combination and potentially cause adverse reception to analog channels 46, 47, 48, 61, 62, and 63. However, a careful review of the database indicates no full service or protected Class A facilities within 161 kilometers (100 miles) of the instant proposed site with which intermodulation interference could be caused.
4. This 0.2 kilomtere short spacing is dealt with in Figures 2A and 2B. Additionally, the shortage is so insignificant, the short spacings could be considered "de minimis" are 0.3 kilometers rounded up to 0.5 kilometers which would make the separation 217.5 kilometers, the required separation.

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Richmond, Virginia

Figure 2-A

DTV CHANNEL STUDY

Job title: RICHMOND, VA
Subject station call: WTVD-TV
Channel: 52
Station type: DT
Latitude: N 35 40 5.00
Longitude: W 78 31 59.01
Antenna elevation(AMSL): 680.0 meters
Maximum ERP: 1000.0000 kW
Proposed zone: 2
Calculation method: Direct-to-grid
Centroid method: population-biased

Interfering stations considered:

Call	Channel	Type	Status	Distance(km)	
Bearing(degs.)					
WRAL-TV	53	DT	APP	0.9	32.8
WRAZ	50	TV	LIC	1.0	344.8
WCSC-TV	52	DT	CP	322.7	199.7
WFMY-TV	51	DT	APP	120.3	281.2
WUPN-TV	48	TV	APP	120.3	281.2
WMSY-TV	52	TV	LIC	303.0	297.8

Service without interference:

Area (sq. km): 43085.4
Population (persons): 2357361

Service with interference:

Area (sq. km): 42207.5
Population (persons): 2288730

FCC kwx=3 Interpretation:

Area of unserved cells declared served (sq. km.):
269.8
Population of unserved cells declared served: 13743

Noise-limited contour (42.1 dBuV/m):

Area inside noise-limited contour (sq. km): 43987.8
Population inside noise-limited contour: 2370492

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Richmond, Virginia

Figure 2-B

DTV CHANNEL STUDY

Job title: RICHMOND, VA
Subject station call: WTVD-TV
Channel: 52
Station type: DT
Latitude: N 35 40 5.00
Longitude: W 78 31 59.01
Antenna elevation(AMSL): 680.0 meters
Maximum ERP: 1000.0000 kW
Proposed zone: 2
Calculation method: Direct-to-grid
Centroid method: population-biased

Interfering stations considered:

Call	Channel	Type	Status	Distance (km)	Bearing (deg.)
RICTX	52	TV		217.1	19.7
WRAL-TV	53	DT	APP	0.9	32.8
WRAZ	50	TV	LIC	1.0	344.8
WCSC-TV	52	DT	CP	322.7	199.7
WFMY-TV	51	DT	APP	120.3	281.2
WUPN-TV	48	TV	APP	120.3	281.2
WMSY-TV	52	TV	LIC	303.0	297.8

Service without interference:

Area (sq. km): 43085.4
Population (persons): 2357361

Service with interference:

Area (sq. km): 42195.4
Population (persons): 2288593

FCC kwx=3 Interpretation:

Area of unserved cells declared served (sq. km.): 273.8
Population of unserved cells declared served: 13743

Noise-limited contour (42.1 dBuV/m):

Area inside noise-limited contour (sq. km): 43987.8
Population inside noise-limited contour: 2370492

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DECLARATION

MELVYN LIEBERMAN, declares and certifies as follows:

That he is associated with the firm of **LIEBERMAN & WALISKO, Inc.**;

That this firm has been retained by **TELEVISION CAPITAL CORPORATION OF RICHMOND** to prepare this Engineering Statement;

That his qualifications are a matter of record with the Federal Communications Commission;

That he has either prepared or directly supervised the preparation of all technical material contained in this engineering statement and that the facts stated in this report are true of his knowledge and belief except as to such statements as are herein stated to be on information and belief and as to such statements, he believes them to be true.

7/10/00

Date

Melvyn Lieberman

Melvyn Lieberman